

EXHIBIT B

From: [McGourty, Cara](#)
To: [Kratenstein, Andrew](#)
Cc: fmaas@jamsadr.com; kmaccubbin@jamsadr.com; [Sheehan, David J.](#); [Jacobs, Edward J.](#); hchaitman@chaitmanllp.com
Subject: RE: In re Madoff, Adv. Pro. No. 0801789 (SMB)
Date: Wednesday, August 09, 2017 1:48:26 PM
Attachments: [dk016348-0002_08-01789.pdf](#)

Dear Andrew,

Thank you for responding so quickly. The inadvertently produced work product consists of notes and comments from the Trustee's consultants to his attorneys regarding the microfilm identification project and was done at the direction of the Trustee's counsel. These notes and comments were located in hidden columns on the original Excel spreadsheets. The hidden columns have been removed from the replacement versions, which is why the original and replacement versions appear on their face to be the same. The best way to pinpoint the changes between the two versions is to compare the column lettering at the top of the spreadsheet, which is automatically included in Excel spreadsheets. For example, in the original microfilm index, the column letters read A, B, D; there was no Column C, as it was hidden. In the replacement version, the columns now read A, B, C, in sequential order. The data in Column D of the original is now in Column C of the replacement, due to the removal of the original (hidden) Column C, but the data remains the same. Because the inadvertently produced information was only in hidden columns, I hope that it will be relatively easy for you to preserve and transfer your own work product to the new, replacement version.

To answer your last question, yes, the replacement spreadsheet is the same as Exhibit B that we filed on July 14, 2017. The only difference is that the Excel version includes the column letters, whereas the filed PDF version does not. This automatically occurs when an Excel document is printed to PDF. I have attached the filed Exhibit B for your convenience in comparing the two.

I hope this answers your questions.
Cara McGourty

From: Kratenstein, Andrew [<mailto:AKratenstein@mwe.com>]
Sent: Tuesday, August 08, 2017 9:05 PM
To: McGourty, Cara
Cc: fmaas@jamsadr.com; kmaccubbin@jamsadr.com; [Sheehan, David J.](#); [Jacobs, Edward J.](#); hchaitman@chaitmanllp.com
Subject: RE: In re Madoff, Adv. Pro. No. 0801789 (SMB)

Cara,

In order to select the additional 20-reel sample of microfilm as suggested by Judge Bernstein, we have been working with the Excel version of the microfilm spreadsheet that your firm previously provided. From a quick scan of the replacement, I cannot tell what the differences are between the replacement and the original. I am trying to find the most efficient way to cleanse any information that you are claiming is work product from our own work product. Is there a particular column or row you can direct me to or some other way you can tell me what the claimed work product is so that we can comply with your request? Also, is the replacement different from the version that was

filed on the public court record as Exhibit B to Mr. Sheehan's July 14 letter and, if so, how?

This is without waiver of our right to challenge the Trustee's work product claim pursuant to the LPO.

Thank you.

Andrew B. Kratenstein

Partner

McDermott Will & Emery LLP | 340 Madison Avenue | New York, NY 10173-1922

Tel +1 212 547 5695 | Mobile +1 646 338 4881 | Fax +1 212 547 5444

[Biography](#) | [Website](#) | [vCard](#) | [Email](#) | [Twitter](#) | [LinkedIn](#) | [Blog](#)

From: McGourty, Cara [<mailto:cmcgourty@bakerlaw.com>]

Sent: Tuesday, August 08, 2017 2:52 PM

To: 'hchaitman@chaitmanllp.com'; Kratenstein, Andrew

Cc: fmaas@jamsadr.com; kmaccubbin@jamsadr.com; Sheehan, David J.; Jacobs, Edward J.

Subject: In re Madoff, Adv. Pro. No. 0801789 (SMB)

Dear Ms. Chaitman and Mr. Kratenstein,

Attached please find correspondence regarding the Trustee's inadvertent production of documents, as well as replacement versions of the inadvertently produced documents.

Thank you,

Cara McGourty

Cara McGourty

Associate

BakerHostetler

45 Rockefeller Plaza

New York, NY 10111-0100

T +1.212.589.4246

cmcgourty@bakerlaw.com

bakerlaw.com



This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Any tax advice in this email is for information purposes only. The content

of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.

This message is a PRIVILEGED AND CONFIDENTIAL communication. This message and all attachments are a private communication sent by a law firm and may be confidential or protected by privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained in or attached to this message is strictly prohibited. Please notify the sender of the delivery error by replying to this message, and then delete it from your system. Thank you.

Please visit <http://www.mwe.com/> for more information about our Firm.